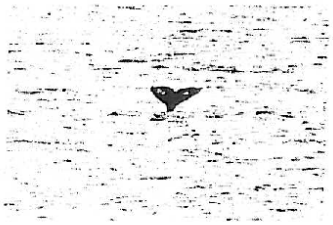
COMMENT SET 11: GRAY WHALES COUNT



GRAY WHALES COUNT

A JOINT RESEARCH AND EDUCATION PROJECT OF
AMERICAN CETACEAN SOCIETY–CHANNEL ISLANDS, CA +
CASCADIA RESEARCH COLLECTIVE, OLYMPIA, WA

CALIFORNIA STATE LANDS COMMISSION
VENOCO ELLWOOD MARINE TERMINAL LEASE
RENEWAL DRAFT E.R
PUBLIC COMMENT
GOLETA VALLEY COMMUNITY CENTER

2006 Aug 30

My name is Michael H. Smith, and I am Project Coordinator of Gray Whales Count, a joint research and education project of the American Cetacean Society–Channel Islands, in California and Cascadia Research Collective, Olympia, Washington.

While I have only just begun to examine this draft EIR, I will address specific issues in writing at a later time. Now, however, I want to offer to share—through whatever means is practical—our data and observations from our scientific surveys to more fully represent current, marine-mammal activity in the area of the Venoco project.

Our primary, research objective is to create baseline data from Coal Oil Point in the Santa Barbara Channel through annual surveys of the northbound migration of gray whales in order to assess the use and nature of what may be a critical corridor for the whales through this region. Furthermore, we intend to share our data with a network of observation stations along the California coast; and, through combined analysis, our data may help to distinguish route choices and, possibly, allow for more accurate assessments of events that affect gray whales. They are no longer listed as endangered, yet they remain a population at risk.

Our initial survey in 2005 spanned 100 days from January 29 through May 8. Weather permitting we were on station six hours a day, seven days a week. In 2006, we expanded our coverage to eight hours per day from January 28 through May 14: 107 days.

Through comparative analysis of our 2006 Count, we estimate that 2,833 gray whales, including 618 calves migrated north through the nearshore of the Santa Barbara Channel, past Coal Oil Point.

GWC-1

In addition, we saw 34 southbound, gray whales, including a calf born on-route, further up the California coast. Incidentally, one of those southbounders breached five times in front of Coal Oil Point. Two and a half hours later, past Santa Barbara Point, it breached again and landed on a boat.

We also observed many resident animals and visitors that depend on Channel resources for food. We saw bottlenose dolphins almost every day. In March, April, and May, we saw humpback whales near and beyond Platform Holly. And, on twelve days we saw a sea otter, usually in the kelp off Isla Vista.

A pair of harbor seals were regular visitors to the Point throughout this years' survey; and we saw many, many sea lions, resting on the barge buoys and foraging in the waters all around Coal Oil Point. A surprise was a Northern elephant seal bobbing in the surf, right in front of us. It is apparent that this is a very rich feeding area for all these animals, including migrating gray whales, which have been observed feeding on mysids in the kelp. The shelter is vital to some; we regularly see calves nursing on all sides of the Point, particularly towards Sands and Ellwood beaches, where the calves are enjoying habitat resources.

Here a great deal of life depends on these resources and has, to a degree, coexisted until now with the recreational, commercial, and industrial development of the area.

MICHAEL H SMITH
PROJECT COORDINATOR
211 W GUTIERREZ ST
STUDIO B
SANTA BARBARA, CA 93101
USA

GRAYS-N-BLUES@COX.NET
(805) 451-4600 MOBILE

1

GRAY WHALES COUNT

A JOINT RESEARCH AND EDUCATION PROJECT OF
AMERICAN CETACEAN SOCIETY–CHANNEL ISLANDS, CA +
CASCADIA RESEARCH COLLECTIVE, OLYMPIA, WA

CALIFORNIA STATE LANDS COMMISSION
VENOCO ELLWOOD MARINE TERMINAL LEASE
RENEWAL DRAFT EIR
PUBLIC COMMENT
GOLETA VALLEY COMMUNITY CENTER

2006 Aug 30

PAGE 2

The gray whales and marine mammals are the focus of our research, and we take note of hazards and threats to their well being. Accordingly, we make note of behavior changes, or, in some cases, no behavior change.

Presently, our research does not include acoustic sampling; and so we have not been able to quantify the impact of noise. It must be considerable.

We have seen of all types of vessels from kayaks to research ships, kelp harvesters to lobster boats, and jet skis to Venoco's oil barge. Just about every day, we recorded whale watching boats and crew boats servicing the oil platform, and on at least two occasions we watched those crew boats doing a little whale watching with loads of non-crew passengers. We also watched helicopters purposely hovering under one hundred feet above whales, dolphins, and sea lions.

Some activity is clearly harassment. Some is probably unintentional. It appears that some people do not know the animals are there.

My records of the oil barge are unofficial, but I noted the barge off Coal Oil Point only 5 times during our fifteen-week survey (Feb. 7; Mar. 13; Mar. 28; Apr. 19; and May 1). The EIR says that during the same time period, there could be 25 barge transports: an enormous increase.

Between the buoys, the barge is a formidable presence, and it may be more so arriving and departing with powerful support vessels effectively dominating the passage between Holly and the shore and blocking the path of the migration through the nearshore.

GWC-2

It is believed that a reason gray-whale cows choose the nearshore to escort their calves north is avoidance of killer whales. In April, a cow/calf pair swimming through the mid-Channel was attacked by a pod of killer whales, just five miles-or-so offshore of Holly.

With substantially increased barge traffic in the nearshore combined with active drilling, surely one result will be more gray whales detouring outside Holly, into the range of killer whales.

Increased oil production does require additional means to capture and transport the oil. More oil flowing through pipelines and/or ferried by barges through the nearshore seems to increase the risk of a catastrophic spill in an area that serves as a major migration path for gray whales. It is an area teeming with wildlife, including protected, marine mammals, dependent upon these resources for food and habitat.

Thank you for this opportunity. And, I look forward to sharing our data.

Sincerely,

Michael H. Smith

1

RESPONSE TO COMMENT SET 11: GRAY WHALES COUNT

GWC-1 Discussion of the various marine mammals expected to occur both seasonally and year-round within the Channel is contained in Section 4.5, Biological Resources. Additional information regarding the 2006 gray whale counts off Coal Oil Point has been added to the text of this section.

GWC-2 Impacts to marine mammals and sea turtles resulting from increases in vessel traffic are considered potentially significant. They are addressed in Impact BIO-5. Implementation of MM BIO-5a will minimize the risk of marine mammal and turtle encounters and collisions with the barge and supply vessels; however, impacts to marine mammals and turtles from marine traffic will still remain significant.

Although the frequency of an oil spill, due to additional barge traffic, would increase for the proposed Project, spill volumes would remain the same. Impacts to marine biota, including gray whales and other marine mammals that could result from an oil spill are considered significant, and are addressed in Impact BIO-1.